



The following comments were submitted by the U.S. Environmental Protection Agency (EPA) on October 3, 2006.

Comments of the U.S Environmental Protection Agency on proposed rule 10 CSR 10-6.060 Construction Permits Required.

The following comments on the Missouri Department of Natural Resources' Air Pollution Control Program's proposed amendment in response to the EPA's 2002 New Source Review (NSR) Reforms were submitted by email.

1. Essentially, the rule on the website indicates that, "The word "attainment" or "unclassifiable" in all of the incorporated portions of 40 CFR 52.21 shall be replaced with the word "nonattainment." This approach is not appropriate for the nonattainment provisions. It is more appropriate to look at 40 CFR 51.165 and then either tailor the rule to address nonattainment NSR reforms or start from scratch on this particular section to address nonattainment area reforms.
2. The definition of "baseline area" is not open for revision. This causes some problems because in the final approval of the Missouri attainment area NSR reforms, we stated that, "Missouri acknowledges that the current Construction Permits Required rule does not contain the statement, "designated as attainment or classifiable under section 107(d)(1)(D) or (E) of the Act" consistent with the federal definition of "baseline area." We had previously approved this definition of baseline area with the specification that Missouri redesignate the areas of significant impact as the baseline area (Final rule, 47 FR 7696, and final rule, 47 FR 26833). We are approving Missouri's Construction Permits Required rule, 10 CSR 10-6.060 because Missouri has acknowledged it must make area-specific designation requests, and EPA must approve the redesignation of the area before Missouri could establish new baseline areas under its rule. Missouri also commits to revising the "baseline area" definition to clarify it will redesignate the areas of significant impact as baseline areas according to Section 107(d)(1)(D) or (E) of the Clean Air Act. Missouri will submit these redesignations to EPA for formal approval before the new baseline area can be used for Prevention of Significant Deterioration permitting purposes. While Missouri works to revise the rule, Missouri commits to implementing the baseline area definition consistent with all Federal regulations and will ensure that the air quality increment analysis for permit applications complies with all Federal and state requirements." As such, we suggest that Missouri revise the baseline area definition as referenced above.